

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John Barthelow Classen

Attorney Docket: 61185.00005

Application No.: 10/081,705

Group Art Unit: 1273

Filed: 02/21/2002

Examiner: LEROUX, Etienne Pierre

Title: *Computer Algorithms and Methods for Product Safety*

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of Evelyn H. McConathy

I, Evelyn H. McConathy declare that:

1. I am a registered patent attorney in good standing, who has represented Dr. Classen in patent matters for many years beginning well before 2000.
2. I wrote Dr. Classen's U.S. Provisional Application No. 60/270,697, filed February 21, 2001 and U.S. Patent Appl. 10/081,705, filed February 21, 2002, and prosecuted Dr. Classen's U.S. Patent Application, USSN 09/449,178, filed Nov. 24, 1999, now U.S. Pat. No. 6,219,674.
3. As early as July 1999, Dr. Classen was developing improvements to USSN 09/449,178, and prior to December 7, 2000, Dr. Classen was in ongoing discussions with me, having already completed the conception of his invention filed as U.S. Provisional Application No. 60/270,697, and we were in diligent preparation of the provisional filing. Prior to December 7, 2000, Dr. Classen had disclosed his invention to me, which I understood, and then wrote as the provisional application.
4. The Examiner has cited U.S. Published Patent Application 2002/0039990 by Stanton, filed December 7, 2000, published April 4, 2002 as prior art under §103(a) against the present Classen application, but it is not proper prior art, as antedated by the actual invention by Dr. Classen as disclosed in U.S. Patent Appl. 10/081,705.
5. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and

that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: August 1, 2008

Evelyn H. McConathy
Evelyn H. McConathy